

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Partitioning, Disaggregation, and	)	WT Docket No. 19-38
Licensing of Spectrum	)	

**COMMENTS OF CALIFORNIA INTERNET, L.P. DBA GEOLINKS**

California Internet, L.P. DBA GeoLinks (“GeoLinks” or the “Company”) submits these Comments in response to the Notice of Proposed Rulemaking (“NPRM”) issued March 15, 2019 in the aforementioned proceeding.<sup>1</sup>

**I. INTRODUCTION AND SUMMARY**

GeoLinks is one of the fastest growing Internet and phone providers in America and the fastest growing telecom in California. As such, and in order to be truly competitive within its service territory, the Company has a vested interest in promoting policies that allow fixed wireless broadband service providers to access spectrum resources suitable to providing high-speed broadband service. GeoLinks has advocated in several proceedings before the Commission that additional spectrum resources are necessary in order for fixed wireless providers to compete in the broadband marketplace.

Traditionally, fixed wireless ISPs have operated in the unlicensed bands (i.e. 2.4 and 5 GHz). While several fixed wireless providers, including GeoLinks, have been successful in utilizing the unlicensed bands, their application is limited. GeoLinks commends the work that the Commission is doing to explore making additional bands available for wireless broadband uses. However, the immediate proceeding presents an opportunity to 1) ensure that spectrum resources that have already been allocated for broadband use are fully utilized and 2) allow

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<sup>1</sup> Partitioning, Disaggregation and Leasing of Spectrum, Notice of Proposed Rulemaking, WT Docket No. 19-38, FCC 19-22 (rel. March 15, 2019) (“NPRM”).

smaller and rural-focused companies to obtain dedicated spectrum resources. This will not only foster competition, but it will promote broadband deployment throughout the US.

## **II. DISCUSSION**

### **A. The Commission Should Not Reduce Performance Requirements but Should Instead Strictly Enforce the Requirements Currently in Place**

Spectrum is, first and foremost, a public resource that should be allocated and assigned in ways that ensure robust use. However, all too often, large companies purchase spectrum licenses as an asset or for use only in desired communities or locations within a license area (leaving the rest of the area unserved). This results in spectrum resources that could be benefitting consumers now (especially in rural areas) being left unused. Without proper policies in place that incentivize license holders to either use the spectrum they have or let someone else use it, this cycle will continue. As the Commission determines what rules it wishes to implement with respect to partitioning and disaggregation of spectrum licenses, GeoLinks asks that it ensure its rules will prevent spectrum warehousing.

As one means to avoid warehousing, GeoLinks has previously advocated for higher buildout and performance requirements for new spectrum licenses. Regardless of the band or license size, it is GeoLinks' belief that a license holder should be held to a high standard for spectrum utilization. And, if the license holder is unable or unwilling to meet these requirements, it should have the obligation to find someone who will or relinquish that license to the Commission. In the NPRM, the Commission asks, "whether reduced performance requirements for partitioned or disaggregated licenses would facilitate the deployment of advanced telecommunications services in rural areas."<sup>2</sup> GeoLinks' response to this question is a resounding no. The Company believes that performance requirements need to be stronger in order to adequately incentivize license holders to either build out across their entire license area or lease the remaining spectrum to another entity. While GeoLinks would like stricter requirements for all spectrum licenses, it understands that current rules pertaining to existing

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<sup>2</sup> NPRM at para. 15.

licenses are already in place. At a minimum, GeoLinks urges the Commission to enforce its existing rules to the fullest extent possible.

If the original licensee is held to a strict performance standard (subject to potential enforcement actions) and is unable or unwilling to meet those standards, then it will be more likely to be proactive about either selling or leasing the spectrum it is not using within its license area. This is especially true if the receiving party is also held to the same buildout standards and the completion of those standards is applicable to both the receiving party and the original license holder. Decreased performance requirements would simply lead to more of the same. As the NPRM notes “while reduced buildout requirements may increase the number of licensees willing to lease spectrum, it may also decrease deployment of advanced wireless services in those license areas as a result of the reduced performance requirements.”<sup>3</sup> This is because new licensees could still pick and choose within a license area. While more area overall may be served, the most far reaching and low-density areas (i.e. those in desperate need of access to advanced broadband services) would likely still be left out. For these reasons, GeoLinks urges the Commission to take steps to strongly enforce its existing requirements and to refrain from reducing these requirements any further.

## **B. Other Incentives May Encourage Licensees to Lease or Sell Spectrum**

In addition to retaining existing performance requirements and strict enforcement, in order to incentivize license holders to sell/ lease unused spectrum, GeoLinks also suggests that the Commission consider using the percentage of un or underutilized spectrum across a license holder’s license areas during future spectrum allocation processes, including auctions. Much like higher latency was weighted against bidders in the recent Connection America Fund Phase II Auction,<sup>4</sup> so too should high percentages of un and underutilized spectrum resources be for those bidding on additional spectrum. If a company has spectrum it’s simply not using, it should not be able to obtain more, especially within the SAME license area (i.e. the same PEA/ county/ etc.). The possibility of not being able to obtain more spectrum in the most desirable areas, combined with strictly enforced performance requirements, should incentivize license holders to

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<sup>3</sup> NPRM at para. 27.

<sup>4</sup> See *In the Matter of Connect America Fund*, Report and Order and Order on Reconsideration, WC Docket No. 10-90 (rel. March 2, 2017) at para. 17.

lease/ sell their excess spectrum. This will, in turn, open up more resources for smaller wireless service providers that may not be able to successfully outbid larger companies at auction.

### **C. The Commission Should Not Allow Reaggregation**

In the NPRM, the Commission asks whether allowing spectrum reaggregation would help incentivize more parties to lease or sell spectrum.<sup>5</sup> As an initial matter, the purpose of the NPRM is to further the Commission's efforts to "increase spectrum access by small and rural carriers."<sup>6</sup> Allowing large carriers to lease off undesired spectrum within their license area and then reaggregate pieces later when they become desirable does little to promote this goal.

## **III. CONCLUSION**

For the reasons set forth herein, GeoLinks urges the Commission to create rules for spectrum partitioning and disaggregation that 1) ensure that spectrum resources that have already been allocated for broadband use are fully utilized and 2) allow smaller and rural-focused companies to obtain dedicated spectrum resources. Specifically, GeoLinks suggests that the Commission retain existing performance requirements (with enforcement), consider the percentage of unused spectrum a carrier has in spectrum auction proceedings, and refrain from allowing reaggregation of license areas.

Respectfully submitted,

**California Internet, L.P. DBA GeoLinks**

/s/ Skyler Ditchfield, Chief Executive Officer

/s/ Melissa Slawson, General Counsel/ V.P of Government  
Affairs and Education

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<sup>5</sup> NPRM at paras. 13 and 28.

<sup>6</sup> NPRM at para. 1.